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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,744	01/18/2002	John W. Rapp	1934-1-5	3267

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EXAMINER

TANG, KAREN C

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,744

Applicant(s)

RAPP ET AL.

Examiner

Karen C. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/2/06 has been entered.
- Claims 1-37 are presented for further examination.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. *In re Longi*, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); *In re Berg*, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). "

ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED:

May 30, 2001).

Claims 1-37 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-5, and 10-36 are of copending Application No.09/956624. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: they both claimed that the system comprising a hardware subsystem which carry electrical signal in the Lan/WAN network getting information from the database which the signal sent to the database can extract information that can communicate between the interface and hardware subsystem. Those information from both application are configuration information.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Moyne (US 5,469,361).

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1. Referring to Claim 1, Moyne discloses a system (refer to Title) comprising:

a hardware subsystem (manufacturing equipment, refer to Col 4, Lines 27-67) that includes at least one component (equipment controllers 13a-13s) adapted to carry an electrical signal (commands, refer to Col 4, Lines 50-67) associated with one from the group of a sensing operation and a control operation (refer to Col 5, Lines 25-55).

An application database (22, refer to Col 6, Lines 1-10) storing application service configuration information (refer to Col 8, Lines 60-67 and Col 9, Lines 50-67 and Col 11, Lines 40-55) that corresponds to a manner of processing information associated with the electrical signal (message, refer to Col 6, lines 1-5); and

A self configuring application services system (refer to Col 5, Lines 15-25) comprising a configuration module (Main program module 21, refer to Col 7, Lines 60-67) coupled to the hardware subsystem (manufacturing equipment, refer to Col 4, Lines 27-67) and coupled to retrieve application service configuration information from the application database (refer to Col 8, Lines 1-15), the self-configuring application service system operable itself for communication with the hardware subsystem using the application service configuration information, this configuration including associating an event code with the electrical signal (refer to Col 5, Lines 55-67, Col 6, Lines 1-15, when receiving messages/stimuli, then the application service system will invoke a proper sequence such as determined type of routine to call as an result of the unique action to take. The routines are the event code, and the stimulus and routine calls are the electronic signals).

2. Referring to Claim 12, Moyne discloses

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a hardware subsystem (manufacturing equipment, refer to Col 4, Lines 27-67) that includes a set of components adapted to carry electrical signal (commands, refer to Col 4, Lines 50-67), each electrical signal associated with one from the group of a sensing operation and a control operation (refer to Col 5, Lines 25-55);

an application database (22, refer to Col 6, Lines 1-10) referencing a first software object (Message, refer to Col 15, Lines 60-67) that corresponds to a manner of processing information associated with an electrical signal (message, refer to Col 6, lines 1-5, and Col 14, Lines 50-67 and Col 15);

a self-configuring application services system (refer to Col 5, Lines 15-25) comprising:

a configuration module (Main program module 21, refer to Col 7, Lines 60-67) coupled to the hardware subsystem (manufacturing equipment, refer to Col 4, Lines 27-67) and coupled to retrieve application service configuration information from the application database (refer to Col 8, Lines 1-15); and

the first software object (Message, refer to Col 15, Lines 60-67);

a signal database storing interface configuration information (refer to Col 16) corresponding to a manner of managing communication between the hardware subsystem and the application services system and referencing a second software object (Invocation, which would be included in the message, refer to Col 15, Lines 50-67, and Col 16) that corresponds to a manner of processing information associated with an electrical signal (refer to Col 11, Lines 4-55) and associates an event code with the electrical signal (The routines are the event code, and the stimulus and routine calls are the electronic signals, refer to Col 5, Lines 55-67 and Col 6, Lines 1-15); and

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a self- configuring interface system (refer to Col 5, Lines 15-25) coupled to the hardware subsystem (manufacturing equipment, refer to Col 4, Lines 27-67) and the application services system (cell controller system, refer to Col 5, Lines 22-50) comprising:

a configuration module (Main program module 21, refer to Col 7, Lines 60-67) coupled to retrieve interface configuration information from the signal database (refer to Col 8, Lines 1-15); and

the second software object (Invocation, refer to Col 15, Lines 60-67).

3. Referring to Claims 23 and 29, In a system (refer to Title) comprising a hardware subsystem (manufacturing equipment, refer to Col 4, Lines 27-67) that includes a set of components adapted to carry electrical signals (commands, refer to Col 4, Lines 50-67), each electrical signal associated with one from the group of a sensing operation and a control operation (refer to Col 5, Lines 25-55), a method for processing an electrical signal comprising the step of:

retrieving application service configuration information that references a software object that includes program instructions directed toward processing the electrical signal (message parser, which retrieve relevant information from the electrical signal for the program instruction, refer to Col 5, Lines 55-67);

retrieving a software object in accordance with the application service configuration information (function, refer to Col 6, Lines 15-67 and Col 7, Lines 1-20, and Col 9, Lines 20-50);

retrieving interface configuration information corresponding to the hardware subsystem (action, refer to Col 9, Lines 20-50) the configuration information including an event code associated with the electronic signal (The routines are the event code, and the stimulus are the electronic

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signals, refer to Col 5, Lines 55-67 and Col 6, Lines 1-15, to pass the routines calls is electronic signals);

and

automatically generating a hardware interface (database information influence how the controller's action, which "generate" the "new" controller, that perform different action, Col 11, Lines 5-55, via interface, refer to Col 11, Lines 55-67) for managing communication between the software object (database information, refer to refer to Col 11, Lines 1-5) and the hardware subsystem in accordance with the interface configuration information (SDR-SECs driver, refer to Col 11, Lines 15-55).

4. Referring to Claim 2, Moyne discloses the application service configuration information references a software object for processing information associated with the electrical signal, and the application service system further comprises the software object (refer to Col 13, Lines 10-67 and Col 14, Lines 1-50)

5. Referring to Claim 3, Moyne discloses the object database storing a version of the software object (database stores the newest updated parameters/object, refer to Col 14, Lines 8-50).

6. Referring to Claim 6, Moyne discloses wherein said interface configuration information further references a software object that corresponds to a manner of processing information associated with the electrical signal (information that parsed from the message which can called

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up the software routine that can configure the controller, refer to Col 5, Lines 15-67 and Col 6, Lines 1-67).

7. Referring to Claim 7, Moyne discloses wherein the interface system further comprises the software object (refer to Col 3, Lines 1-15).

8. Referring to Claim 8, Moyne discloses wherein an object database storing a version of the software object (database stores the newest updated parameters/object, refer to Col 14, Lines 8-50).

9. Referring to Claims 10 and 17, Moyne discloses wherein the interface system communications with the hardware subsystem in accordance with the electrical signal, and communications with the appliance services system in accordance with an event code that corresponds to the electrical signal (refer Col 5, Lines 64-Col 6, Lines 15, and Col 6, Lines 55-61 and Col 7, Lines 65 and Col 8, Lines 8).

10. Referring to Claim 11 and 18, Moyne discloses wherein the interface system communicates with the hardware subsystem in accordance with the electrical signal, and communicates with the software object and the application service system in accordance with an event code that corresponds to the electrical signal (refer to Col 5, Lines 64- Col 6, Lines 55-61, Col 7, Lines 65 to Col 8, Lines 8, and Col 5, Lines 25-55).

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11. Referring to Claim 5, Moyne discloses wherein a signal database storing interface configuration information (refer to Col 5, Lines 55-67 and Col 6, Lines 1-45) corresponding to a manner of managing communication between the hardware subsystem (refer to Col 4, Lines 20-55) and the application service system (controller, refer to Col 5, Lines 5-10); and a self-configuring interface system coupled to the hardware subsystem and the application services system and comprising a configuration module coupled to retrieve interface configuration information from the signal database (refer to Col 5, Lines 15-25, Col 4, Lines 27-67, Col 7, Lines 60-67, Col 8, Lines 1-15).

13. Referring to Claims 13, 24, and 30, Moyne discloses comprising an object database (database 22, refer to Col 13, Lines 40-50, Col 8, Lines 15-67, and Col 16, Lines 1-15) storing one from the group of the first software object (Entity, Message, refer to Col 15, Lines 65-67) and the second software object (Entity, Invocation, refer to Col 15, Lines 65-67).

14. Referring to Claims 4, 9, 14, 25 and 31, Moyne discloses wherein the object database forms a portion of an Object Database Management System (refer to Col 13, Lines 45-55)

15. Referring to Claim 15, Moyne discloses the network coupled to the application service system and the interface system (refer to Col 4, Lines 25-55 and Col 3, Lines 1-15, and Col 5, Lines 35-55).

16. Referring to Claim 16, Moyne discloses wherein the network comprises one from the group of a Local Area Network, a Wide Area network, and the Internet (Local area network, refer to Col 4, Lines 65-67)

17. Referring to Claim 19, Moyne discloses wherein the interface system further comprises:
a signal exchange module coupled to the hardware subsystem, the signal exchange module comprising a storage element for storing a hardware signal corresponding to an electrical signal (refer to Col 5, Lines 54-Col 6, Lines 15, Col 6, Lines 55-61, and Col 7, Lines 65 - Col 8, Lines 8);

18. Moyne discloses wherein the interface system further comprises:
a signal exchange module coupled to the hardware subsystem, the signal exchange module comprising a storage element for storing a hardware signal corresponding to an electrical signal;
an event coding-decoding module coupled to map between an electrical signal and an event code (refer to Col 5, Lines 54-Col 6, Lines 15, Col 6, Lines 55-61, and Col 7, Lines 65 - Col 8, Lines 8).

19. Referring to Claim 21, Moyne discloses wherein the interface system further comprises:
a signal exchange module coupled to the hardware subsystem, the signal exchange module comprising a storage element for storing a hardware signal corresponding to an electrical signal;
an event coding-decoding module coupled to map between an electrical signal and an event code; and

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an interprocess communication module coupled to manage event-based communication with the application services system (refer to Col 5, Lines 54-Col 6, Lines 15, Col 6, Lines 55-61, and Col 7, Lines 65 - Col 8, Lines 8).

20. Referring to Claim 22, Moyne discloses wherein the interface system further comprises:

a signal exchange module coupled to the hardware subsystem, the signal exchange module comprising a storage element for storing a hardware signal corresponding to an electrical signal; an event coding-decoding module coupled to map between an electrical signal and an event code; and

an interprocess communication module coupled to manage event-based communication with the application services system and the second software object (refer to Col 5, Lines 54-Col 6, Lines 15, Col 6, Lines 55-61, and Col 7, Lines 65 - Col 8, Lines 8, Examiner interprets the second software object as “Innovation” entity, refer to Col 15, Lines 65-67).

21. Referring to Claim 26, Moyne discloses wherein a mapping between the electrical signal and an event code (refer to Col 13, Lines 60-67 and Col 14, Lines 1-50).

22. Referring to Claim 32, Moyne discloses wherein a mapping between a set of electrical signals and a set of event codes for those electrical signals associated with software objects within the first set of software object (refer to Col 5, Lines 54-Col 6, Lines 15, Col 6, Lines 55-61, and Col 7, Lines 65-Col 8, Lines 5, and Col 13, Lines 60-67 and Col 14, Lines 1-15:

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Examiner interprets the first set of the software object is Message entity, refer to Col 15, Lines 65-67)

23. Referring to Claim 34, Moyne discloses wherein a mapping between a set of electrical signals and a set of event codes for those electrical signals associated with software objects within the second set of software object (refer to Col 5, Lines 54-Col 6, Lines 15, Col 6, Lines 55-61, and Col 7, Lines 65-Col 8, Lines 5, and Col 13, Lines 60-67 and Col 14, Lines 1-15:

Examiner interprets the first set of the software object is Invocation entity, refer to Col 15, Lines 65-67).

24. Referring to Claim 33, Moyne discloses: managing communication between the hardware subsystem and the interface system in accordance with the set of electrical signal (refer to Col 4, Lines 20-67, Col 5, Lines 1-15, Lines 55-67, and Col 6); and
managing communication between the interface system and the first set of software objects in accordance with the set of event codes ("Message entity", refer to Col 14, Lines 50-67, Col 15 - 16).

25. Referring to Claim 35, Moyne discloses: managing communication between the hardware subsystem and the interface system in accordance with the set of electrical signal (refer to Col 4, Lines 20-67, Col 5, Lines 1-15, Lines 55-67, and Col 6); and
managing communication between the interface system and the first set of software objects and the second set of software objects in accordance with the set of event codes (event codes, as the

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routine codes, retrieve the routine codes based on the entities within the messages, which are the sets of the software objects, the refer to Col 15, Col 16, Col 17, and Col 18).

36. Referring to Claim 36, Moyne discloses executing program instruction associated with the first set of software objects within a first computer system (parent unit, refer to Col 5, Lines 1-15, and Col 3, Lines 1-15, Col 5); and

executing program instructions associated with the second set of software objects within a second computer system (the message is associated with the program instruction, which also influence the child unit/second computer setting, refer to Col 5 and Col 6).

37. Referring to Claim 37. Moyne discloses the second computer system (children unit, refer to Col 4, Lines 50-67, and Col 5, Lines 1-15) includes the hardware interface .

Response to Arguments

Applicant's arguments filed 05/02/2006 have been fully considered but they are not persuasive.

1) In the remark, the applicant argued that (1) Moyne did not disclose a hardware subsystem as recited in amended claim 1 that associates an event code with an electronic signal, such signals from a temperature sensor, accelerometer, or a signal to drive an LED lamp with an event code.

2) Examiner respectfully traverse the argument:

Examiner is interpreting the claims language broadest possible, therefore, as to point

(1) Refer to Col 5, Lines 55-67, Col 6, Lines 1-15, when receiving messages/stimuli, then the application service system will invoke a proper sequence such as determined type of routine

to call as an result of the unique action to take. The routines are the event code, and the stimulus and routine calls are the electronic signals. Also - In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., signals which are from a temperature sensor, accelerometer, or a signal to drive an LED lamp) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Tang

Khánh Dinh

Primary Examiner